



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,559	02/24/2004	Randy Jon Clark	26401/09640	8134
27530	7590	04/18/2007	EXAMINER	
NELSON MULLINS RILEY & SCARBOROUGH, LLP			THEISEN, MARY LYNN F	
1320 MAIN STREET, 17TH FLOOR			ART UNIT	PAPER NUMBER
COLUMBIA, SC 29201			1732	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/785,559	CLARK ET AL.	
	Examiner	Art Unit	
	Mary Lynn F. Theisen	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,5 and 7-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4,5 and 7-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>1/31/07</u> .	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 contradicts claim 1 because in claim 1 the release agent is mixed with the lignocellulosic fibers so therefore it couldn't be sprayed on the mat.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 4, 5, 7-14, 17 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted in view of Massidda.

Art Unit: 1732

5. Husted discloses molding a mixture of isocyanate resin, wax(release agent) and wood fibers by prepressing and pressing. The binder is 1.5-20 wt% and release agent is 0.5- 2.4 wt%. The press temperature is 175-240°C. See column 3, lines 3-19 and column 7, line 10 to column 8, line 8. The use of a separate release agent from the wax would have been obvious to one of ordinary skill in the art because Massidda et al show that a combination of release agents is used in lignocellulosic/binder composites (column 2, lines 51-53). The release agents can be internal or external (column 1, lines48-55). The specific pressing temperatures, pressures and times would have been obvious based on optimizing the process and product properties.

6. Claims 1, 2, 4, 5 and 7-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted in view of Marcinko et al.

7. Husted discloses molding a mixture of isocyanate resin, wax(release agent) and wood fibers by prepressing and pressing. The binder is 1.5-20 wt% and release agent is 0.5- 2.4 wt%. The press temperature is 175-240°C. See column 3, lines 3-19 and column 7, line 10 to column 8, line 8. The use of a separate release agent from the wax would have been obvious to one of ordinary skill in the art because Marcinko et al show that a combination of release agents is used in lignocellulosic/binder composites (column 4, lines 28-32). The release agents can be silicone (column 4, lines 29-33). The specific pressing temperatures, pressures and times would have been obvious based on optimizing the process and product properties.

8. Claims 1, 2, 4, 5, 7-12 and 17-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted in view of Fookes et al and DuPont Zonyl.

9. Husted discloses molding a mixture of isocyanate resin, wax(release agent) and wood fibers by prepressing and pressing. The binder is 1.5-20 wt% and release agent is 0.5- 2.4 wt%. The press temperature is 175-240°C. See column 3, lines 3-19 and column 7, line 10 to column 8, line 8. Fookes et al discloses using a release agent of wax and surfactant. The surfactant is zonyl (column 3, line 63). Zonyl is a mold release agent as evidenced by DuPont Zonyl. The use of a separate release agent from the wax would have been obvious to one of ordinary skill in the art because Fookes et al show that a combination of release agents is used in lignocellulosic/binder composites. The specific pressing temperatures, pressures and times would have been obvious based on optimizing the process and product properties.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Lynn F. Theisen whose telephone number is 571-272-1210. The examiner can normally be reached on Thursday and Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mary Lynn F. Theisen
Primary Examiner
Art Unit 1732

mlt